

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HAROLD KELLY MURPHY,

Plaintiff,

v.

SOUTHERN ENERGY HOMES, INC., et al.,

Defendants.

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Case No.: 2:06-cv-618

TO: ATTORNEY GENERAL OF THE STATE OF ALABAMA

NOTICE OF PROCEEDING

COME NOW the Defendant, Southern Energy Homes, Inc., by and through its attorney of record, and hereby give notice to the Attorney General of the State of Alabama pursuant to §6-6-227 of the Code of Alabama, 1975, of its challenge to the constitutionality and legality of the recovery of mental anguish damages and punitive damages in this action. A copy of the Defendant's Answer is attached hereto and served with this Notice of Proceeding.

Respectfully submitted,

/s Mitchel H. Boles

Robert D. Segall (ASB-7354-E68R)

Lee H. Copeland (ASB-3461-O72L)

Mitchel H. Boles (ASB-0813-S69M)

Attorney for Southern Energy Homes, Inc.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on 20th day of July, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Charles Lance Gould**
lance.gould@beasleyallen.com holly.stroh@beasleyallen.com
- **Carter Gibson Vance**
gibson.vance@beasleyallen.com heidi.bowers@beasleyallen.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Honorable Troy King
Attorney General for State of Alabama
11 South Union Street, Suite 301
Montgomery, Alabama 36130

/s Mitchel H. Boles

Of Counsel